

Assembly Bill No. 2149

CHAPTER 45

An act to add Section 20147 to the Public Contract Code, relating to public contracts.

[Approved by Governor June 23, 2014. Filed with
Secretary of State June 23, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2149, Atkins. The Local Agency Public Construction Act: County of San Diego: exemption.

Existing law, the Local Agency Public Construction Act, requires counties, among others, to comply with specified procedures for contracting for public works projects, including, the use of a competitive bidding process and awarding contracts to the lowest responsible bidder.

Existing law provides that specified provisions of the act applicable to public works contracts awarded by counties, as specified, do not apply to certain contracts between the County of Napa and the State of California.

This bill would provide that those provisions of the act would also not apply to a contract entered into by the County of San Diego with a private entity for the delivery of a regional communications system and any related infrastructure to be used by public safety agencies and emergency responders located in the Counties of Imperial and San Diego. The bill would authorize the County of San Diego to use any competitive procurement method to procure the regional communications system and all related infrastructure, but would require the county to use a best value, as defined, procurement if the county does not use a procurement method otherwise available under specified provisions of the act.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Diego.

The people of the State of California do enact as follows:

SECTION 1. Section 20147 is added to the Public Contract Code, to read:

20147. (a) Notwithstanding any other law, this article shall not apply to a contract entered into by the County of San Diego with a private entity for the delivery of a regional communications system and any related infrastructure to be used by public safety agencies and emergency responders located in the Counties of Imperial and San Diego.

(b) The County of San Diego may use any competitive procurement method to procure the regional communications systems and related

infrastructure described in subdivision (a), provided that if the County of San Diego does not use a procurement method otherwise available to it under this article, the procurement shall be a best value procurement. “Best value” means a value determined by evaluation of objective criteria related to price, functional specifications and features, technical specifications and features, implementation plan, life-cycle costs and support, experience, past performance, and fiscal stability. A best value determination may entail selection of the lowest priced technically acceptable proposal or selection of the best proposal for a fixed price established by the procuring agency, or it may consist of a tradeoff between price and other specified factors.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique public safety needs in the County of San Diego.